

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ APRIL 4, 2017 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Kevin Settle and Don Hutchings; absent - Tracy Pennartz. The Mayor declared a quorum present.

Mayor Sanders requested approval to add a resolution recognizing the Northside High School Boys Basketball Team to the April 18, 2017 regular meeting.

Settle, seconded by Catsavis, offered the requested motion; therefore, the noted resolution will be added to the April 18, 2017 regular meeting agenda.

The minutes of the March 14, 2017 regular meeting was presented for approval. Hutchings, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

The Mayor recognized members of the Northside High School Boys Basketball Team upon winning the 7A State Championship, and invited Head Coach Eric Burnett to introduce and recognize the following players, Managers and Assistant Coaches:

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|------------------------------|------------------------------|
| ♦ Jeremiah Watson (No.1) | ♦ Kendall Myers (No.23) |
| ♦ Tevin Brewer (No.2) | ♦ Tyrell Perry (No.24) |
| ♦ Tre Norwood (No.3) | ♦ Jackson Forsey (No.30) |
| ♦ DeMichael Whitfield (No.5) | ♦ Kwashea Taylor (No.33) |
| ♦ Isaiah Joe (No.10) | ♦ Stevie Young (No.42) |
| ♦ Gary Johnson (No.11) | ♦ Assistant Coaches: |
| ♦ Kourtland Mondier (No.12) | ♦ Matt Mondier & Greg Scott |
| ♦ Javion Perkins (No.20) | ♦ Managers: Ladajia Coleman, |
| ♦ Daniel Myers (No.21) | ♦ David Myers, Peyton Carver |
| ♦ Kentrell Jacobs (No.22) | ♦ & Kedrick Thomas |

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Administrator Geffken introduced the new Director of Utilities Jerry Walters, as of April 3, 2017, and welcomed him to the city of Fort Smith.

Item No. 1 was a presentation to recognize City of Fort Smith Utility Department and Hawkins-Weir Engineering for recently receiving the 2016-2017 Engineering Excellence Award in the Environmental Category for the Zero Street Pump Station Site Remediation Project from the American Council of Engineering Companies of Arkansas.

Mayor Sanders announced this was the time and place set for a public hearing regarding the Year 43 Community Development Block Grant Budget and the Year 24 HOME Investment Partnership Act Program Budget and authorizing the submission of the Program Year 2017 Action Plan ~ *Hutchings/Settle placed on agenda at the March 28, 2017 study session ~ ♦ Future Fort Smith Item*. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No.2).

Director of Development Services Wally Bailey briefed the Board on the item as discussed at the March 28, 2017 study session. Since the study session, staff has become aware that there is a 2017 Federal Budget proposal that will reduce Community Development Block Grant (CDBG) funds by fifty-percent (50%) and eliminate both CDBG and HOME funding for the Federal Fiscal Year 2018. There has been no indication that there will be any reduction with any reporting, administration or management requirements for the CDBG grants. The consequence of any reduction is that each proposed grant activity will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts. The Community Development Advisory Committee (CDAC) and Matt Jennings, Director of Community

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Development, will keep the Board informed as the 2017 and 2018 Federal Budgets are finalized. Based on Program Year 2015 activities, the CDBG and HOME Investments Partnership Act Program funds provide assistance to approximately 1,588 citizens and 129 citizens respectively. The CDAC recommends approval of the proposed resolution.

There being no individual present to speak on the item, Mayor Sanders closed the public hearing.

The Mayor further expressed gratitude to Mr. Jennings and Genia Smith, Chairperson of the CDAC, as well as all members of the CDAC for their time and service associated with the item.

Hutchings, seconded by Lorenz, moved adoption of the resolution and the members present voted as follows: ayes – Lau, Lorenz, Catsavis, Settle and Hutchings; abstention – Good (denoting a conflict of interest). The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-45-17.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*from Residential Single Family Duplex Low/Medium Density (RSD-2) to a Planned Zoning District (PZD) by classification located at 1315 South Albert Pike Avenue*).

Mr. Bailey briefed the Board on the item advising such is per the request of Leo Anhalt of SSI, Inc., agent for Saint Scholastica Academy. The purpose of the rezoning is to allow for the construction of a new 31,000 square foot, one-story monastery with associated parking and landscaping. A neighborhood meeting was held on Monday, March 6, 2017 with two (2) surrounding property owners in attendance; however, there were no objections conveyed. The Planning Commission held a public hearing on March 14, 2017 with two (2) individuals conveying concerns with the proposed

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development, i.e. Ms. Drucilla Hugart, 1300 South Albert Pike, regarding the location of the proposed parking area and Mr. Mike Rappeport, 904 South Albert Pike, regarding the future plans for the existing monastery. With regard to the parking area location, it was noted such will be located approximately forty (40) feet from the right-of-way with a ten (10) feet wide landscape buffer between the parking lot and the street. Regarding the existing monastery, it was conveyed that there are currently no plans for the building and if no new use can be determined, the existing monastery will most likely be demolished due to expensive maintenance costs. The Planning Commission approved the request by a vote of seven (7) in favor and zero (0) opposed and recommend the matter to the Board of Directors for consideration.

The following individual was present to address the Board:

- Drucilla Hugart
Fort Smith, AR

Re: Advised she maintains no opposition to the proposed development, only the location of the parking area citing her preference that such be located further back so that she is not looking at a parking lot out of her front window.

Hutchings, seconded by Lorenz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings. Prior to the vote, Director Hutchings questioned the anticipated use of the existing monastery.

Mr. Anhalt, agent, advised there are no current plans for the existing building; however, the Sisters have created a Blue Ribbon Committee to review the condition of the building and determine any potential future uses.

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Director Lau requested Mr. Anhalt also respond to Ms. Hughart's parking lot concerns.

Mr. Anhalt, agent, advised the parking lot will have directional lighting to ensure the lights will not impact adjoining properties. The parking lot will be constructed thirty (30) to forty (40) feet from the street right-of-way with a ten (10) foot wide landscape buffer between the parking lot and the street. Installation of the landscape buffer has been initiated with the transplanting of existing plants on the property to create a buffer that would have some continuous foliage or blooming plants.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 15-17.

Item No. 4 was an ordinance amending the 2009 Unified Development Ordinance (UDO) of the City of Fort Smith (*Appendix A – Land Use Matrix / animal shelters*) ♦ *Future Fort Smith Item.*

Mr. Bailey briefed the Board on the item advising the UDO currently permits animal shelters only in Industrial zoning districts; however, the Sebastian County Humane Society (SCHS) located at 3800 Kelley Highway is in a Commercial-4 zone. Before any building permits can be issued for improvements or building additions, a zoning amendment would be required. The proposed amendment would prevent the necessity of a rezoning application from the Sebastian County Humane Society to an Industrial classification and allow animal shelters as a permitted use in Commercial-4, as well as Commercial-5 zoning districts. The Planning Staff requested the Planning Commission initiate the proposed text amendment to the UDO; therefore, the Planning Commission held a public hearing on March 14, 2017 with no individual present to

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speak in opposition to the request. The Planning Commission approved the proposed amendment by a vote of seven (7) in favor and zero (0) opposed to recommend such to the Board for consideration.

Good, seconded by Settle, moved adoption of the resolution. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings. There being no Director wishing to comment on the item and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 16-17.

Item No. 5 was an ordinance granting a non-exclusive franchise permit to Fort Smith Emergency Medical Services ("EMS").

City Administrator Carl Geffken briefed the Board on the item advising Fort Smith EMS has operated its ambulance service in the city of Fort Smith for many years. Since 1987, the permit has been renewed in ten (10) year terms with the existing permit expiring on May 7, 2017. Fort Smith EMS Director Tim Hearn submitted a letter requesting the existing franchise permit be renewed for another 10 year term. Upon approval, such will grant the requested franchise permit effective May 1, 2017.

Settle, seconded by Hutchings, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings. There being no discussion among the Board and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 17-17.

Item No. 6 was an ordinance amending the 2017 Budget (*Parks Department*).

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Director of Parks and Recreation Doug Reinert briefed the Board on the item advising there are currently seven (7) miles of sharrows and five (5) miles of hard surface trails that have been completed since planning of the Fort Smith Trail System began in 2015. Maintenance of and safety on said trails have become a priority; therefore, a partnership was devised and discussions with the Fort Smith Police Department (FSPD) have been initiated to determine the best options to protect those utilizing the trails. Upon approval, the proposed ordinance provides for a FSPD substation at River Front Park and authorizes the purchase of two (2) Utility Task Vehicles (UTV). The UTV's are equipped to travel the trail and allow the officers access to areas on the trail in which a police cruiser, fire truck or ambulance cannot currently access. Such facilitates better protection, assistance when the necessity of arrest, rescue and recover arises. The proposed ordinance also authorizes the purchase of two (2) additional mowers of the same brand and model the Parks Department currently utilizes. Streamlining the fleet allows for identical replacement parts and familiarity in maintenance resulting in more efficient staff time and cost savings allowing purchasing of parts at one place. Upon approval, the equipment will be stored at the riverfront linking maintenance and safety responsibilities for the downtown area.

Lorenz, seconded by Good, moved adoption of the ordinance. Prior to the vote, Director Settle expressed his long-term support of the Kelley Stage Expansion Project and inquired why funds for such are being redirected to fund the proposed item and not utilizing the funds already allocated for trails.

Mr. Reinert advised funds available for trails has been allocated through Year 2022 to fund the expansion of trails at Chaffee Crossing and expansion of what was the Rice Carden Extension that goes into Fort Smith Park and beyond. After further review

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of the Kelley Stage venue, it's been determined the existing site was not adequately planned; therefore, there doesn't appear to be sufficient space available for proper expansion of the stage.

Director Lau expressed concern with the high cost for the subject UTV's and inquired if such is due to specialized outfitting for police use. Upon approval, he further inquired where said UTV's will be stored.

Mr. Reinert clarified the proposed cost for the UTV's is merely an estimated amount; however, such does include the specialized outfitting with necessary emergency response equipment. With regard to storage, Parks Department maintenance equipment is currently stored in a facility at River Front Park; however, due to the anticipated construction of a new storage facility on the fifty-one (51) acres on Riverfront Drive, such maintenance equipment will be relocated to said location freeing up space for the UTV's in the River Front Park facility.

Director Catsavis noted police officers are already stretched thin to cover the current beats; therefore, he expressed concern the requirement for additional patrols along the trails will only create an additional strain on the existing officers. He further advised of several concerns from residents, mostly women, that they would feel safer in parks if they were allowed to utilize their conceal to carry license for protection.

Director Good echoed the concerns of Director Catsavis regarding the additional strain on the Police Department and questioned if cost sharing for the proposed equipment between the Parks Department and the Police Department has been discussed.

Mr. Reinert confirmed he and Police Chief Nathaniel Clark have discussed the matter citing it was determined that the Parks Department would provide the equipment

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and the Police Department would cover the cost for the police presence. To clarify, since trail usage increases during the summer months, it was determined that the School Resource Officers may be able to cover the riverfront beat when school is not in session.

Chief Clark addressed the Board advising full-time police presence is most likely not feasible; however, he confirmed the Police Department will provide officers to patrol the trails as needed or as time permits.

Director Lorenz spoke in favor of shifting funds for the Kelley Stage Expansion Project to allow the proposed purchases, and extended much appreciation to Mr. Reinert and Chief Clark for working together on the matter.

The motion remaining on the floor, the members present voted as follows: ayes – Lau, Good, Lorenz, Settle and Hutchings; nays Catsavis. The Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 18-17.

Item No. 7 was a resolution authorizing acquisition of sewer utility easement (\$124.60 / Utility Department / Budgeted – 2014 Sales and Use Tax) ♦ *Future Fort Smith Item* • *Consent Decree*

Interim Director of Utilities Bob Roddy briefed the Board on the item advising Sub-Basin P002 & P003 Capacity Improvements (Project No. 06-03-ED1) requires the acquisition of permanent sewer line easements on the subject property. The city attorney recommended joining both the fee acquisition and the sewer utility easement in one action to exercise of power of eminent domain and staff concurs with the recommendation.

Mr. Roddy further conveyed heartfelt appreciation to the Mayor, Board and Administration for the opportunity to serve as the Interim Director of Utilities citing the

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time was most rewarding. He further noted his affection for the Utility Department staff complimenting them on their dedication to the city of Fort Smith and its residents.

Lau, seconded by Settle, moved adoption of the resolution. There being no member of the Board commenting and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-46-17.

The Consent Agenda (Item No. 8) was introduced for consideration, the items being as follows:

- A. Resolution granting a temporary revocable license for the placement of subdivision entryway rock pillars and walls, and signage in a sanitary sewer and utility easement and authorizing the Mayor to execute agreement (*Avalon Subdivision at Chaffee Crossing / Avalon Addition, LLC*)
- B. Resolution to provide notice to terminate services for data processing in 2019 to ArcBest Technologies ♦ *Future Fort Smith Item*
- C. Resolution accepting the project as complete and authorizing final payment to Kraus Construction Company, LLC for construction of the Contract Water Users' Water Line Relocation (\$78,382.27 / *Utility Department / Budgeted – 2014 Sales & Use Tax*) ♦ *Future Fort Smith Item*
- D. Resolution authorizing the Mayor to execute a lease agreement with the River Valley Artisan Market (*Ross Pendergraft Park / 200 Garrison Avenue*) ♦ *Future Fort Smith Item*
- E. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with MSG Waste and Refuse, LLC
- F. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Circle S Waste and Salvage, Inc.

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Catsavis, seconded by Lorenz, moved adoption of all consent agenda items. The members present all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-47-17 through R-52-17 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

■ Mayor Sanders

- Re:
1. Announced Fort Smith has been named a Tree City USA by the Arbor Day Foundation in honor of its commitment to urban forest management.
 2. Announced the bicentennial book, *"Bridging Borders and Time: A Bicentennial Portrait of Fort Smith"* is now available at the website, www.gofortsmithar.com.
 3. Reminded the Greg Smith River Trail Phase II ribbon cutting is set for 11:00 a.m., Thursday, April 6 and invited all to attend.

■ Director Settle

- Re:
- Offered a motion to place an item on a future study session to discuss upgrades to the Harry E. Kelley and River Front Parks to determine the proper expansion of the venue. The motion was seconded by Hutchings; therefore, since it only requires the concurrence of two (2) directors to place an item on a future agenda, the Mayor announced said item will be placed on a future study session as requested.

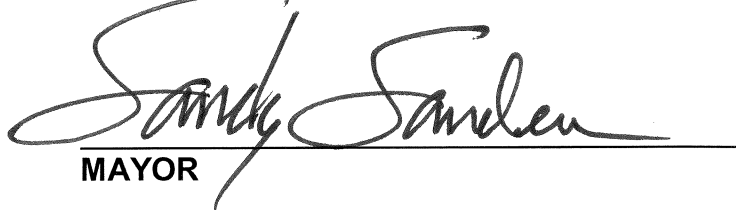
■ Administrator Geffken

- Re:
1. Announced two (2) members of the Board are unable to attend the Strategic Workshop set for Friday, April 7; therefore, such has been canceled and will be rescheduled for a more convenient time to allow all members of the Board to attend.
 2. Regarding Director Settle's motion noted above, he announced said item will be placed on the May 23, 2017 study session.

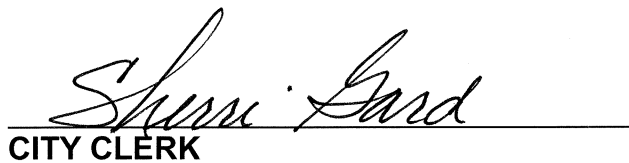
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There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Lorenz and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:56 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK